

**JUL 24 2006**

**CATHY A. CATTERSON, CLERK**  
**U.S. COURT OF APPEALS**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

FRANCISCO ROMERO-GARCIA,

Defendant - Appellant.

No. 03-50438

D.C. No. CR-03-00691-GT

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the Southern District of California  
Gordon Thompson, Jr., Senior Judge, Presiding

Submitted May 15, 2006<sup>\*\*</sup>

Before: B. FLETCHER, TROTT and CALLAHAN, Circuit Judges.

Francisco Romero-Garcia appeals from the sentence imposed following his guilty plea conviction for one count of making false statements to a federal officer,

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<sup>\*</sup> This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

in violation of 18 U.S.C. § 1001. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

We reject Romero-Garcia's contention that the supervised release statute is unconstitutional. *See United States v. Huerta-Pimental*, 445 F.3d 1220 (9th Cir. 2006).

**AFFIRMED.**